



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Emini, Emilio A. et al.

Serial No. 10/645,883

Art Unit: 1644

Filed: August 21, 2003

Examiner:

For: ADENOVIRUS SEROTYPE 24 VECTORS, NUCLEIC  
ACIDS AND VIRUS PRODUCED THEREBY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By

Date April 8, 2004



## INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

the attached information is filed within three months of the filing date of the captioned case.

the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.

the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: Anna L. Cocuzzo

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 42,452

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-1273

Date: April 8, 2004

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

APR 12 2004

(use as many streets as necessary)

Sheet

of

4

Attorney Docket Number 21366

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number		
		Kind Code (if known)			
	WO	04/18627		Merck & Co., Inc.	03/04/2004
	WO	03/104467		Crucell Holland B.V.	12/18/2003
	WO	00/70071		Introgen B.V.	11/23/2000
	WO	98/53087		Cornell Research Foundation, Inc.	11/26/1998
	WO	02/22080		Merck & Co., Inc.	03/21/2002
	WO	01/02607		Merck & Co., Inc.	01/11/2001
	WO	01/45748		Merck & Co., Inc.	06/28/2001
	WO	01/43693		Merck & Co., Inc.	06/21/2001
	WO	98/34640		Merck & Co., Inc.	08/13/1998
	WO	97/48370		Merck & Co., Inc.	12/24/1997

Examiner  
Signature

**Date Considered**

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

APR 12 2004

(use as many sheets as necessary)

364

2

of

4

Attorney Docket Number 21366

**COMPLETE IF KNOWN**

<b>Application Number</b>	10/645,883
<b>Filing Date</b>	August 21, 2003
<b>First Named Inventor</b>	Emini, Emilio A. et al.
<b>Group Art Unit</b>	1644
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	21366

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner  
Signature

**Date Considered**

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder). Merck & Co., Inc., 09/05/2003

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
 STATEMENT BY APPLICANT**

APR 12 2004

(use as many sheets as necessary)

Sheet

3

of

4

<b>COMPLETE IF KNOWN</b>	
Application Number	10/645,883
Filing Date	August 21, 2003
First Named Inventor	Emini, Emilio A. et al.
Group Art Unit	1644
Examiner Name	
Attorney Docket Number	21366

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		ATCC No. VR-1102AS/RB
		ATCC No. VR-1102PI/RB
		ATCC No. VR-259
		Pereira, H. et al. "A Short Description of the Adenovirus Group", Virology, 1963, Vol. 20, pp. 613-620
		Takeuchi, S. et al. "Adenovirus Strains of Subgenus D Associated with Nosocomial Infection as New Etiological Agents of Epidemic Keratoconjunctivitis in Japan", Journal of Clinical Microbiology, 1999, Vol. 37, pp. 3392-3394
		Abrahamsen, K. et al. "Construction of an Adenovirus Type 7a E1A-Vector", Journal of Virology, 1997, Vol. 71, pp. 8946-8951
		Bell, S. et al. "Adenoviruses Isolated From Saudi Arabia Six New Serotypes", American Journal of Tropical Medicine and Hygiene, 1960, Vol. 9, pp. 523-526
		Brody, S. et al. "Adenovirus-Mediated in Vivo Gene Transfer", Annals of the New York Academy of Sciences, 1994, Vol. 716, pp. 90-101
		De Jong, J. et al. "Adenoviruses from Human Immunodeficiency Virus-Infected Individuals, Including Two Strains That Represent New Candidate Serotypes Ad50 and Ad51 of Species B1 and D, Respectively", Journal of Clinical Microbiology, 1999, Vol. 37, pp. 3940-3945
		Hierholzer, J. et al. "Adenoviruses from Patients with AIDS: A Plethora of Serotypes and A Description of Five New Serotypes of Subgenus D (Types 43-47)", The Journal of Infectious Diseases, 1988, Vol. 158, pp. 804-813
		Hierholzer, J. et al. "Antigenic relationships among the 47 human adenoviruses determined in reference horse antisera", Archives of Virology, 1991, Vol. 121, pp. 179-197
		Hitt, M. et al. "Human Adenovirus Vectors for Gene Transfer into Mammalian Cells", Advances in Pharmacology, 1997, Vol. 40, pp. 137-206
		Horne, R. et al. "The Icosahedral Form of an Adenovirus", Journal of Molecular Biology, 1959, Vol. 1, pp. 84-86
		Horwitz, M. "Adenoviridae and Their Replication", Virology, Chapter 60, Second Edition, 1990, pp. 1679-1721
		Ma, Y. et al. "Structure, Function, and Evolution of Adenovirus-Associated RNA: a Phylogenetic Approach", Journal of Virology, 1996, Vol. 70, pp. 5083-5099

Examiner  
 Signature

Date  
 Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003

**Substitute for form 1449B/PTO**

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

APR 12 2004

(use as many sheets as necessary)

Sheet

4

of

4

***COMPLETE IF KNOWN***

**Application Number** 10/645,883

**Filing Date** August 21, 2003

**First Named Inventor** Emini, Emilio A. et al.

Group Art Unit 1644

Examiner Name

## NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder) Merck & Co., Inc. 09/05/2003